

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

3M INNOVATIVE PROPERTIES COMPANY,
and CUNO INCORPORATED,

Plaintiffs,

v.

CLOROX COMPANY, BRITA PRODUCTS
COMPANY, BRITA LP, SEARS, ROEBUCK &
COMPANY, and PENTAIR FILTRATION, INC.

Defendants.

Case No. 0:06-cv-3540-ADM/AJB

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to this Court's Pretrial Scheduling Order dated January 4, 2007 and Order Modifying the Court's Pretrial Scheduling Order dated March 24, 2008 (Dkt. Nos. 33 and 87), the parties hereby submit this joint claim construction statement with respect to the two related patents-in-suit, U.S. Patent Nos. 6,027,644 ("644 patent") and 6,193,884 ("884 patent"). The parties jointly request that the Court conduct a *Markman* hearing and accept briefing on claim construction. The parties anticipate needing and respectfully request two hours of the Court's time for a *Markman* hearing. Plaintiffs do not anticipate calling live witnesses at the *Markman* hearing, and instead intend to rely on a declaration as noted below. Defendants do not anticipate calling witnesses except as necessary for rebuttal for any witness called by Plaintiffs.

I. Claim Constructions upon Which the Parties Agree

The parties have agreed to the following proposed constructions:

Patent	Claim Language	Joint Proposed Construction
'644	inlet/outlet means	a two stage recess allowing for fluid to flow into and out of the cartridge
'644, '884	two stage recess	a structure having two different indented or hollowed regions in series
'644, '884	first cylindrical stage	the first region of the two stage recess that is cylindrical

'644, '884	second substantially cylindrical stage	the second region of the two stage recess that is substantially cylindrical
'644, '884	shoulder flange/manifold flange	a rib or rim for attaching one object to another
'644	disposed proximate	located very near
'644	bayonet fitting	a part with projecting surface(s) that allow it to fit with a corresponding part
'644	tapered projection	slope or ramp
'644, '884	tapered leading edge	thinning or narrowing of the end of the shoulder flange that first comes into contact with the corresponding flange
'884	annular outer wall	vertical wall of a cylinder
'884	circular bottom margin	the bottom of a cylinder
'644	filter means	treatment medium or media that provides filtration, purification, or both
'644, '884	concentric	having a common center
'644, '884	first end and an opposed second end (of the first and second stages)	opposite ends of the same cylindrical stage
'644, '884	flow communication/fluidly communicable	a relationship allowing for the passage of fluid
'884	fluidly coupling	joining or connecting in a manner that allows the passage of fluid
'644, '884	interlocking engagement	state wherein one part constrains the motion of another part
'644	cooperatively engageable	capable of attaching or securing together in a way that allows for functionality
'644, '884	operable engagement	state wherein parts are attached or secured in a way that makes them able to function as a unit
'644, '884	radially disposed/disposed radially outward	arranged a certain distance away from a central point
'884	inlet port	an opening or passage through which fluid may enter the cartridge
'884	outlet port	an opening or passage through which fluid may exit the cartridge
'884	coupler longitudinal axis	an imaginary straight line running lengthwise through the center of the coupler
'884	displaced from the coupler longitudinal axis	placed away from the imaginary straight line running lengthwise through the center of the coupler
'884	coincident with the coupler longitudinal axis	occupying the same position as the imaginary straight line running lengthwise through the center of the coupler
'644, '884	depending	hanging down

'884	manifold inlet boss	surface projecting from the manifold that provides an opening or passage through which fluid may enter the manifold
'884	manifold discharge opening	an opening in the manifold through which liquid may enter the cartridge from the manifold
'884	manifold outlet projection	surface projecting from the manifold that provides an opening or passage through which fluid may exit the manifold
'884	manifold outlet opening	an opening in the manifold through which liquid may enter the manifold from the cartridge
'884	fixedly coupled	joined together in a set fashion
'884	flow interface for selectively coupling	a structure at which two other structures come together to be joined in a specific manner to allow flow between them
'884	annular coupler interlocking member	a structure on the coupler forming some portion of a ring that can securely connect together with and be constrained by a corresponding structure on a manifold
'884	coupler inlet annular recess	a cylindrical indented or hollowed structure in the coupler that provides a way for fluid to enter into the treatment cartridge
'884	coupler outlet annular recess	a cylindrical hollowed or indented structure in the coupler that provides a way for fluid to exit out of the treatment cartridge

II. Proposed Constructions of Disputed Claim Terms

The table below contains the claim terms that are in dispute and each side's proposed construction for these terms.

Patent	Term	Plaintiffs' Proposed Construction	Defendants' Proposed Construction
'884	boss sealing means	Should be construed pursuant to 35 U.S.C. § 112, ¶ 6 Function is sealing (i.e. "operating as a tight or complete closure, as against the passage of a fluid") Corresponding structure is an o-ring or its equivalent	A seal, such as an o-ring, located on a projecting object or surface
'884	sealingly mating	fitting or mating together to form a tight or complete closure against the passage of a fluid	fitting together in a manner capable of forming a seal
'644/'884	free of	Plaintiffs propose that "free of" should have its ordinary meaning and need not be construed. If a construction is	complete absence of

		necessary, however, Plaintiffs propose “without.”	
'644	inlet flow channel	a passage that allows fluid to flow into the filter cartridge	A passage for directing fluids defined by an external housing and an internal liner whereby flow is directed to the bottom of the cartridge
'884	flow channel	a passage that allows fluid to flow into the treatment cartridge	A passage for directing fluids defined by an external housing and an internal liner whereby flow is directed to the bottom of the cartridge
'884	a coupler being couplable to the manifold and being operably couplable to the treatment cartridge	a structure that is capable of joining together a manifold and a treatment cartridge so that the resulting treatment system can operate to treat fluid	Defendants contend that the referenced claim term is invalid as failing to comply with 35 U.S.C. § 112 ¶¶ 1 & 2 and for failing to be enabled, and is, therefore, incapable of being construed.

III. Plaintiffs' Evidence in Support of Their Constructions

Term and Plaintiffs' Proposed Construction	Plaintiffs' Evidence
<p>Term ('884 patent): boss sealing means</p> <p>Plaintiffs' Proposed Construction: Should be construed pursuant to 35 U.S.C. § 112, ¶ 6</p> <p>Function is sealing (i.e. “operating as a tight or complete closure, as against the passage of a fluid”)</p> <p>Corresponding structure is an o-</p>	<p>Intrinsic Evidence</p> <p>Plain meaning of claim language, surrounding claim language, and language used in other claims:</p> <ul style="list-style-type: none"> Claim 10 of the '884 patent: “A coupling system for coupling a treatment cartridge to a manifold, the coupling system comprising: a coupler being couplable to the manifold and being operably couplable to the treatment cartridge and having; a coupler inlet annular recess defined about a coupler longitudinal axis, the coupler inlet annular recess presenting an annular outer wall and having a circular bottom margin, at least one inlet port being defined in the circular bottom margin displaced from the coupler longitudinal axis, a coupler outlet annular recess defined about the coupler longitudinal axis, the coupler outlet annular recess depending from the coupler inlet annular recess circular bottom margin and presenting a coupler annular outer wall and having a circular bottom margin, at least one outlet port being defined in the circular bottom margin coincident with the coupler longitudinal axis; at least one annular coupler interlocking member being disposed radially outward of the coupler inlet annular recess; and the coupler

<p>ring or its equivalent on the boss</p> <p>Alternatively, if the Court does not construe the term as means-plus-function, Plaintiffs propose, “a structure on the boss that operates as a tight or complete closure, as against the passage of a fluid.”</p>	<p>presenting a plurality of mating surfaces for sealingly mating to the manifold, the plurality of mating surfaces being substantially continuous and free of <i>sealing means</i>.” (emphasis added)</p> <ul style="list-style-type: none"> • Claim 11 of the ’884 patent: “The coupling system of claim 10 whereby insertion of a manifold inlet boss and a manifold outlet projection into the coupler inlet annular recess and the coupler outlet annular recess, respectively, <i>acting to define a fluid seal</i> between a <i>boss sealing means</i> and the coupler inlet annular recess outer wall and acting to define a fluid seal between an at least one outlet sealing means and the coupler outlet annular recess outer wall, rotation of the coupler with respect to the manifold acting to cooperatively engage the at least one annular manifold interlocking member with the annular coupler interlocking member defining a flow path between the manifold discharge opening and the coupler inlet port and fluidly coupling the coupler outlet port and the manifold outlet opening.” (emphasis added) <p>Specification and prosecution history are consistent with the plain meaning and do not attempt to define the term otherwise:</p> <ul style="list-style-type: none"> • Figs. 1-4 and 7 (showing the placement of seals necessary for sealing on the manifold) • “The supporting of the bayonet fitting 6 and the appurtenant O’rings 22, 24 and 26 to the two stage recess 8 simplifies the construction of the cartridge 10 versus the conventional cartridges mentioned above. The latter cartridges provide a sealed bayonet fitting at each cartridge which mate to a recess at the manifold. A large number of relatively costly O’ring seals are thus required to accommodate the disposable cartridges. The system 2 avoids the cost by mounting the seals to the manifold 4.” (’644 patent specification at col. 4, lines 7-15; ’884 patent specification at col. 4, lines 11-19.) • “The multiple sets of O’rings 22, 24 and 26 . . . contain the flow from the cartridge 10 to the fitting 6.” (’644 patent specification at col. 5, lines 3-5; ’884 patent specification at col. 5, lines 7-9.) • See Prosecution History of ’884 Patent: Paper No. 7, Office Action dated Nov. 11 at pp. 5-6; Paper No. 8, Office Action Response dated Jan. 3, 2000 at pp. 4-5. <p>Dictionary Definitions:</p> <p>“seal”</p> <p>(a) “ a tight and perfect closure (as against the passage of gas or water),” see Merriam Webster’s Collegiate Dictionary 1052 (10th ed. 1996)</p> <p>(b) “something that seals, closes, or fastens tightly or securely,” see</p>
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	<p>Webster's New World College Dictionary 1210 (3d ed. 1996) (c) "anything that tightly or completely closes or secures a thing," <i>see</i> Random House Compact Unabridged Dictionary 1726 (Special 2d ed. 1996)</p> <p>Court's Prior <i>Markman</i> Ruling:</p> <ul style="list-style-type: none"> • Ruling that "sealing means" as used in claims 1, 2, and 9-11 of the '884 patent is a means-plus function limitation with the function of sealing (i.e., operating as a tight or complete closure, as against the passage of a fluid) and the corresponding structure of an o-ring or its equivalents. (Dkt. Nos. 66 and 68 at p. 14.) • Ruling that a "fluid seal" as used in claims 1, 7, and 8 in the '644 patent is "a structure that operates as a tight or complete closure against the passage of a fluid." (Dkt. Nos. 66 and 68 at pp. 13-16.) • To extent Defendants are attempting to reargue issues already raised during their summary judgment motion, Plaintiffs incorporate the arguments and evidence relied on in responding to that motion, and the Court's order regarding those issues.
<p>Term ('884 patent): sealingly mating</p> <p>Plaintiffs' Proposed Construction: Fitting with or mounting together to form a tight or complete closure against the passage of a fluid</p>	<p>Intrinsic Evidence Plain meaning of claim language, surrounding claim language, and other language used in other claims:</p> <ul style="list-style-type: none"> • Claim 10 of the '884 patent: "A coupling system for coupling a treatment cartridge to a manifold, the coupling system comprising: a coupler being couplable to the manifold and being operably couplable to the treatment cartridge and having; a coupler inlet annular recess defined about a coupler longitudinal axis, the coupler inlet annular recess presenting an annular outer wall and having a circular bottom margin, at least one inlet port being defined in the circular bottom margin displaced from the coupler longitudinal axis, a coupler outlet annular recess defined about the coupler longitudinal axis, the coupler outlet annular recess depending from the coupler inlet annular recess circular bottom margin and presenting a coupler annular outer wall and having a circular bottom margin, at least one outlet port being defined in the circular bottom margin coincident with the coupler longitudinal axis; at least one annular coupler interlocking member being disposed radially outward of the coupler inlet annular recess; and the coupler presenting a plurality of mating surfaces for <i>sealingly mating</i> to the manifold, the plurality of mating surfaces being substantially continuous and free of sealing means." (emphasis added) • Claim 11 of the '884 patent: "The coupling system of claim 10 whereby insertion of a manifold inlet boss and a manifold outlet projection into the coupler inlet annular recess and the coupler outlet annular recess, respectively, <i>acting to define a fluid seal between a boss sealing means and the coupler inlet annular recess outer wall and acting to define a</i>

	<p><i>fluid seal between an at least one outlet sealing means and the coupler outlet annular recess outer wall</i>, rotation of the coupler with respect to the manifold acting to cooperatively engage the at least one annular manifold interlocking member with the annular coupler interlocking member defining a flow path between the manifold discharge opening and the coupler inlet port and fluidly coupling the coupler outlet port and the manifold outlet opening.” (emphasis added)</p> <p>Specification and prosecution history are consistent with the plain meaning and do not attempt to define the term otherwise.</p> <p>Dictionary Definitions:</p> <p>“sealingly” See definitions of “seal” above in connection with the term “boss sealing means”</p> <p>“mate” (a) “to join or fit together,” see Merriam Webster’s Collegiate Dictionary 716 (10th ed. 1996) (b) “to join as a pair; couple,” see Webster’s New World College Dictionary 834 (3d ed. 1996) (c) “to join, fit, or associate suitably,” see Random House Compact Unabridged Dictionary 1185 (Special 2d ed. 1996)</p> <p>Court’s Prior <i>Markman</i> Ruling:</p> <ul style="list-style-type: none"> • Ruling that “mating surfaces” are “those surfaces of the cartridge which fit with or mount to the manifold.” (Dkt. Nos. 66 and 68 at p. 9.) • Ruling that “sealing means” as used in claims 1, 2, and 9-11 of the ’884 patent is a means-plus function limitation with the function of sealing (i.e., operating as a tight or complete closure, as against the passage of a fluid) and the corresponding structure of an o-ring or its equivalents. (Dkt. Nos. 66 and 68 at p. 14.) • Ruling that a “fluid seal” as used in claims 1, 7, and 8 in the ’644 patent is “a structure that operates as a tight or complete closure against the passage of a fluid.” (Dkt. Nos. 66 and 68 at pp. 13-16.) • To extent Defendants are attempting to reargue issues already raised during their summary judgment motion, Plaintiffs incorporate the arguments and evidence relied on in responding to that motion, and the Court’s order regarding those issues.
<p>Term (’644 and ’884 patent): free of</p> <p>Plaintiffs’ Proposed Construction: Plaintiffs propose that “free of”</p>	<p>Intrinsic Evidence Plain meaning of claim language, surrounding claim language, and language used in other claims:</p> <ul style="list-style-type: none"> • Claim 1 of the ’644 patent: “A filter cartridge for use with a filter apparatus manifold having a flow inlet and a flow outlet, the filter apparatus manifold and the filter cartridge comprising a filter apparatus when the filter cartridge is brought into operable engagement with the

<p>should have its ordinary meaning and need not be construed. If a construction is necessary, however, Plaintiffs propose “without.”</p>	<p>filter apparatus manifold, comprising: a housing having a filter cavity defined by a cavity wall; filter means for filtering contaminants from a flow of liquid being disposed within the filter cavity, having a hollow flow core and being spaced apart from the cavity wall to define an inlet flow channel between the filter means and the cavity wall; inlet/outlet means being a two stage recess, the recess having a first cylindrical stage and further having a second substantially cylindrical stage being concentric with the first cylindrical stage channel and the second cylindrical stage being in flow communication with the hollow flow core of the filter means, the first cylindrical stage presenting a first mating surface for mating with the filter apparatus manifold and the second substantially cylindrical stage presenting a second mating surface for mating with the filter apparatus manifold, <i>the first and second mating surfaces being substantially continuous and free of interruption by fluid seals</i>; and at least a pair of shoulder flanges being disposed proximate the inlet/outlet means and being matable in an interlocking engagement with a corresponding pair of manifold flanges rotation of the shoulder flanges with respect to the manifold flanges acting to lockingly engage the filter cartridge and the filter apparatus manifold.” (emphasis added)</p> <ul style="list-style-type: none"> • Claim 7 of the '644 patent: “A filter cartridge for use with a filter apparatus manifold having a flow inlet and a flow outlet, the filter apparatus manifold and the filter cartridge comprising a filter apparatus when the filter cartridge is brought into operable engagement with the filter apparatus manifold, comprising: a housing having a filter cavity defined by a cavity wall; filter means for filtering contaminants from a flow of liquid being disposed within the filter cavity, having a hollow flow core and being spaced apart from the cavity wall to define an inlet flow channel between the filter means and the cavity wall; inlet/outlet means being a two stage recess, the recess having a first cylindrical stage and a second substantially cylindrical stage being concentric with the first cylindrical stage, the first cylindrical stage presenting a first mating surface for mating with the filter apparatus manifold and the second substantially cylindrical stage presenting a second mating surface for mating with the filter apparatus manifold, <i>the first and second mating surfaces being substantially continuous and free of interruption by fluid seals</i>, a recess tapered projection being engageable with a valve disposed in the filter apparatus manifold, said engagement acting to open said valve when the filter cartridge is brought into operable engagement with the filter apparatus manifold; and at least a pair of shoulder flanges being disposed proximate the inlet/outlet means and being matable in an interlocking engagement with a corresponding pair of manifold flanges, rotation of the shoulder flanges with respect to the manifold flanges acting to lockingly engage the filter cartridge and the filter apparatus manifold.” (emphasis added)
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- Claim 8 of the '644 patent: "A filter cartridge for use with a filter apparatus manifold having a flow inlet and a flow outlet, the filter apparatus manifold and the filter cartridge comprising a filter apparatus when the filter cartridge is brought into operable engagement with the filter apparatus manifold, comprising: a housing having a filter cavity defined by a cavity wall; filter means for filtering contaminants from a flow of liquid being disposed within the filter cavity, having a hollow flow core and being spaced apart from the cavity wall to define an inlet flow channel between the filter means and the cavity wall; and inlet/outlet means being a two stage recess, the recess having a first cylindrical stage having a first stage diameter and having a first end and an opposed second end, an opening being defined at a first end thereof, the recess further having a second substantially cylindrical stage being concentric with the first cylindrical stage and having a second stage diameter and having a first end and an opposed second end, the second stage diameter being less than the first stage diameter and having a first end operably coupled to the second end of the first cylindrical stage by a connecting wall and having an opening being defined at the second end thereof, the first cylindrical stage being in flow communication with the flow channel by at least one inlet port being defined between said first cylindrical stage and said flow channel and the second cylindrical stage being in flow communication with the hollow flow core of the filter means, at least two shoulder flanges being radially disposed with respect to the inlet/outlet means, the shoulder flanges having a tapered leading edge, the first cylindrical stage presenting a first mating surface for mating with the filter apparatus manifold and the second substantially cylindrical stage presenting a second mating surface for mating with the filter apparatus manifold, ***the first and second mating surfaces being substantially continuous and free of interruption by fluid seals.***" (emphasis added)
- Claim 1 of the '884 patent: "A treatment system for receiving a flow of fluid from a source for treatment and for discharging a flow of treated fluid, comprising: (a) a manifold having a manifold inlet port and a manifold outlet port, a shut off valve being disposed for fluidly sealing at least one of said ports, the inlet port being operably fluidly coupled to the fluid source for receiving the flow of fluid to be treated therefrom, the manifold inlet port being fluidly coupled to a flow inlet channel defined in the manifold, the outlet port being fluidly coupled to a flow outlet channel defined in the manifold, the flow inlet channel having a discharge opening for discharging the fluid conveyed therein, the discharge opening being defined in a lower margin of a depending inlet boss, the inlet boss having a circular cross-section defined about a longitudinal axis and presenting an inlet boss circumferential outer margin, the discharge opening being radially displaced from the

	<p>longitudinal axis, boss sealing means being disposed in a sealing relationship with the boss circumferential outer margin, an outlet cylindrical projection depending from the inlet boss and having a circular cross-section defined about the boss longitudinal axis and presenting a circumferential outer margin, an outlet opening being coincident with the inlet boss longitudinal axis and being fluidly coupled to the flow outlet channel, outlet seal means being disposed in a sealing relationship with the outlet projection circumferential outer margin, a flow outlet channel fluidly coupling the outlet opening to the manifold outlet port, at least one annular manifold interlocking member being disposed radially outward of the inlet boss, (b) a replaceable cartridge having an inlet annular recess defined about a cartridge longitudinal axis, the inlet annular recess presenting first mating surfaces including an annular outer wall and having a circular bottom margin, at least one inlet port being defined in the circular bottom margin displaced from the cartridge longitudinal axis, an outlet annular recess defined about the cartridge longitudinal axis, the outlet annular recess depending from the inlet annular recess circular bottom margin and presenting second mating surfaces including an annular outer wall and having a circular bottom margin, at least one outlet port being defined in the circular bottom margin coincident with the cartridge longitudinal axis, at least one annular cartridge interlocking member being disposed radially outward of the inlet annular recess, <i>the first mating surfaces and the second mating surfaces being substantially continuous and free of sealing means.</i>” (emphasis added)</p> <ul style="list-style-type: none"> • Claim 10 of the '884 patent: “A coupling system for coupling a treatment cartridge to a manifold, the coupling system comprising: a coupler being couplable to the manifold and being operably couplable to the treatment cartridge and having; a coupler inlet annular recess defined about a coupler longitudinal axis, the coupler inlet annular recess presenting an annular outer wall and having a circular bottom margin, at least one inlet port being defined in the circular bottom margin displaced from the coupler longitudinal axis, a coupler outlet annular recess defined about the coupler longitudinal axis, the coupler outlet annular recess depending from the coupler inlet annular recess circular bottom margin and presenting a coupler annular outer wall and having a circular bottom margin, at least one outlet port being defined in the circular bottom margin coincident with the coupler longitudinal axis; at least one annular coupler interlocking member being disposed radially outward of the coupler inlet annular recess; and the coupler presenting <i>a plurality of mating surfaces for sealingly mating to the manifold, the plurality of mating surfaces being substantially continuous and free of sealing means.</i>” (emphasis added) • Claim 14 of the '884 patent: “A coupling system for coupling a
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treatment cartridge to a filter apparatus manifold, the manifold having a flow inlet and a flow outlet, the filter apparatus manifold and the treatment cartridge comprising a filter apparatus when the treatment cartridge is brought into operable engagement with the filter apparatus manifold, comprising: inlet/outlet means being a two stage recess, the recess having a first cylindrical stage having a first stage diameter and having a first end and an opposed second end, an opening being defined at a first end thereof, the recess further having a second substantially cylindrical stage being concentric with the first cylindrical stage and having a second stage diameter and having a first end and an opposed second end, the second stage diameter being less than the first stage diameter and having a first end operably coupled to the second end of the first cylindrical stage by a connecting wall and having an opening being defined at the second end thereof, the first cylindrical stage being in flow communication with the flow channel by at least one inlet port being defined between said first cylindrical stage and said flow channel and the second cylindrical stage being fluidly communicable with the treatment cartridge, at least two shoulder flanges being radially disposed with respect to the inlet/outlet means, the shoulder flanges having a tapered leading edge, the first cylindrical stage presenting a first mating surface for mating with the filter apparatus manifold and the second substantially cylindrical stage presenting a second mating surface for mating with the filter apparatus manifold, *the first and second mating surfaces being substantially continuous and free of interruption by fluid seals.*" (emphasis added)

Specification and prosecution history are consistent with the plain meaning and do not attempt to define the term otherwise:

- Figs. 1-4 and 7 (showing the placement of seals necessary for sealing on the manifold and the mating surfaces of the filter cartridge without such seals)
- "The supporting of the bayonet fitting 6 and the appurtenant O'rings 22, 24 and 26 to the two stage recess 8 simplifies the construction of the cartridge 10 versus the conventional cartridges mentioned above. The latter cartridges provide a *sealed* bayonet fitting at each cartridge which mate to a recess at the manifold. A large number of relatively costly O'ring seals are thus *required* to accommodate the disposable cartridges. The system 2 avoids the cost by mounting the *seals* to the manifold 4." ('644 patent specification at col. 4, lines 7-15; '884 patent specification at col. 4, lines 11-19 (emphasis added).)
- "The multiple sets of O'rings 22, 24 and 26 . . . contain the flow from the cartridge 10 to the fitting 6." ('644 patent specification at col. 5, lines 3-5; '884 patent specification at col. 5, lines 7-9.)

	<ul style="list-style-type: none"> • Further context for this limitation is provided in the following excerpts of the prosecution histories: (1) Prosecution History of '644 Patent: Paper No. 7, Office Action dated Dec. 3, 1998, at pp. 3-5; Paper No. 8, Office Action Response dated Feb. 2, 1999 at pp. 7-8; Paper No. 10, Office Action dated Mar. 19, 1999 at pp. 2-11; Paper 11, Office Action Response dated Jun. 8, 1999 at pp. 1-7; Paper 13, Notice of Allowability dated Aug. 16, 1999 at pp. 2-4. (2) Prosecution History of '884 Patent: Paper No. 4, Office Action dated Jun. 10, 1999 at pp. 2-9; Paper No. 6, Office Action Response dated Jul. 12, 1999 at pp. 1-14; Paper No. 7, Office Action dated Nov. 3, 1999, at p. 2; Paper No. 8, Office Action Response dated Jan. 3, 2000 at pp. 4-5; Paper No. 9, Office Action dated Feb. 2, 2000 at p. 2; Paper No. 15, Office Action dated Aug. 15, 2000, at p. 2; Notice of Allowance dated Oct. 31, 2000 at p. 2. <p>Dictionary Definitions: “free of” “free . . . <i>combining form</i> free of or from, exempt from, without,” <i>see</i> Webster’s New World College Dictionary 537 (3d ed. 1996)</p> <p>Court’s Prior <i>Markman</i> Ruling:</p> <ul style="list-style-type: none"> • Ruling that “sealing means” as used in claims 1, 2, and 9-11 of the '884 patent is a means-plus function limitation with the function of sealing (i.e., operating as a tight or complete closure, as against the passage of a fluid) and the corresponding structure of an o-ring or its equivalents. (Dkt. Nos. 66 and 68 at p. 14.) • Ruling that a “fluid seal” as used in claims 1, 7, and 8 in the '644 patent is “a structure that operates as a tight or complete closure against the passage of a fluid.” (Dkt. Nos. 66 and 68 at pp. 13-16.) • To extent Defendants are attempting to reargue issues already raised during their summary judgment motion, Plaintiffs incorporate the arguments and evidence relied on in responding to that motion, and the Court’s order regarding those issues.
<p>Term ('644 patent and '884 patent): inlet flow channel/flow channel</p> <p>Plaintiffs’ Proposed Construction: a passage that allows fluid to flow into the filter/treatment</p>	<p>Intrinsic Evidence Plain meaning of claim language, surrounding claim language, and language used in other claims:</p> <ul style="list-style-type: none"> • Claim 1 of the '644 patent: “A filter cartridge for use with a filter apparatus manifold having a flow inlet and a flow outlet, the filter apparatus manifold and the filter cartridge comprising a filter apparatus when the filter cartridge is brought into operable engagement with the filter apparatus manifold, comprising: <i>a housing having a filter cavity defined by a cavity wall; filter means for filtering contaminants from a flow of liquid being disposed within the filter cavity, having a hollow</i>

cartridge	<p><i>flow core and being spaced apart from the cavity wall to define an inlet flow channel between the filter means and the cavity wall;</i> inlet/outlet means being a two stage recess, the recess having a first cylindrical stage and further having a second substantially cylindrical stage being concentric with the first cylindrical stage channel and the second cylindrical stage being in flow communication with the hollow flow core of the filter means, the first cylindrical stage presenting a first mating surface for mating with the filter apparatus manifold and the second substantially cylindrical stage presenting a second mating surface for mating with the filter apparatus manifold, the first and second mating surfaces being substantially continuous and free of interruption by fluid seals; and at least a pair of shoulder flanges being disposed proximate the inlet/outlet means and being matable in an interlocking engagement with a corresponding pair of manifold flanges rotation of the shoulder flanges with respect to the manifold flanges acting to lockingly engage the filter cartridge and the filter apparatus manifold.” (emphasis added)</p> <ul style="list-style-type: none"> • Claim 7 of the '644 patent: “A filter cartridge for use with a filter apparatus manifold having a flow inlet and a flow outlet, the filter apparatus manifold and the filter cartridge comprising a filter apparatus when the filter cartridge is brought into operable engagement with the filter apparatus manifold, comprising: <i>a housing having a filter cavity defined by a cavity wall; filter means for filtering contaminants from a flow of liquid being disposed within the filter cavity, having a hollow flow core and being spaced apart from the cavity wall to define an inlet flow channel between the filter means and the cavity wall;</i> inlet/outlet means being a two stage recess, the recess having a first cylindrical stage and a second substantially cylindrical stage being concentric with the first cylindrical stage, the first cylindrical stage presenting a first mating surface for mating with the filter apparatus manifold and the second substantially cylindrical stage presenting a second mating surface for mating with the filter apparatus manifold, the first and second mating surfaces being substantially continuous and free of interruption by fluid seals, a recess tapered projection being engageable with a valve disposed in the filter apparatus manifold, said engagement acting to open said valve when the filter cartridge is brought into operable engagement with the filter apparatus manifold; and at least a pair of shoulder flanges being disposed proximate the inlet/outlet means and being matable in an interlocking engagement with a corresponding pair of manifold flanges, rotation of the shoulder flanges with respect to the manifold flanges acting to lockingly engage the filter cartridge and the filter apparatus manifold.” (emphasis added) • Claim 8 of the '644 patent: “A filter cartridge for use with a filter apparatus manifold having a flow inlet and a flow outlet, the filter
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apparatus manifold and the filter cartridge comprising a filter apparatus when the filter cartridge is brought into operable engagement with the filter apparatus manifold, comprising: ***a housing having a filter cavity defined by a cavity wall; filter means for filtering contaminants from a flow of liquid being disposed within the filter cavity, having a hollow flow core and being spaced apart from the cavity wall to define an inlet flow channel between the filter means and the cavity wall***; and inlet/outlet means being a two stage recess, the recess having a first cylindrical stage having a first stage diameter and having a first end and an opposed second end, an opening being defined at a first end thereof, the recess further having a second substantially cylindrical stage being concentric with the first cylindrical stage and having a second stage diameter and having a first end and an opposed second end, the second stage diameter being less than the first stage diameter and having a first end operably coupled to the second end of the first cylindrical stage by a connecting wall and having an opening being defined at the second end thereof, the first cylindrical stage being in flow communication with the flow channel by at least one inlet port being defined between said first cylindrical stage and said flow channel and the second cylindrical stage being in flow communication with the hollow flow core of the filter means, at least two shoulder flanges being radially disposed with respect to the inlet/outlet means, the shoulder flanges having a tapered leading edge, the first cylindrical stage presenting a first mating surface for mating with the filter apparatus manifold and the second substantially cylindrical stage presenting a second mating surface for mating with the filter apparatus manifold, the first and second mating surfaces being substantially continuous and free of interruption by fluid seals.” (emphasis added)

- Claim 14 of the '884 patent: “A coupling system for coupling a treatment cartridge to a filter apparatus manifold, the manifold having a flow inlet and a flow outlet, the filter apparatus manifold and the treatment cartridge comprising a filter apparatus when the treatment cartridge is brought into operable engagement with the filter apparatus manifold, comprising: inlet/outlet means being a two stage recess, the recess having a first cylindrical stage having a first stage diameter and having a first end and an opposed second end, an opening being defined at a first end thereof, the recess further having a second substantially cylindrical stage being concentric with the first cylindrical stage and having a second stage diameter and having a first end and an opposed second end, the second stage diameter being less than the first stage diameter and having a first end operably coupled to the second end of the first cylindrical stage by a connecting wall and having an opening being defined at the second end thereof, ***the first cylindrical stage being in flow communication with the flow channel by at least one inlet port being defined between said first cylindrical stage and said flow***

channel and the second cylindrical stage being fluidly communicable with the treatment cartridge, at least two shoulder flanges being radially disposed with respect to the inlet/outlet means, the shoulder flanges having a tapered leading edge, the first cylindrical stage presenting a first mating surface for mating with the filter apparatus manifold and the second substantially cylindrical stage presenting a second mating surface for mating with the filter apparatus manifold, the first and second mating surfaces being substantially continuous and free of interruption by fluid seals.” (emphasis added)

Specification and prosecution history are consistent with the plain meaning and do not attempt to define the term otherwise:

- “Description of the Preferred Embodiment” (’644 patent specification at col. 3, lines 14-15; ’884 patent specification at col. 3, lines 18-19.)
- “Liquid flow is directed from the ports 35 through a cavity 37 formed between a cartridge housing 38 and an internal liner 40. The flow cavity 37 is particularly formed upon seating a number of radial spacers 42 at the liner 40 to the inner walls of the cartridge housing 38, reference FIG. 2. Flow is interrupted and re-directed at the base of the cartridge 10 by an end cap 44 that is spun welded to the housing 38. The flow is directed to the core of the liner 40 through a number of ports 46 arrayed about the lower periphery of the liner 40. With the entry of liquid to the liner core, the *liquid passes through a number of filtration and purification stages*. Two alternative arrangements of which stages are shown at FIGS. 3 and 4.” (’644 patent specification at col. 3, lines 39-53; ’884 patent specification at col. 3, lines 43-57 (emphasis added).)
- “With the fitting of the liner 40 to the housing 38, the flow channel 37 is created at the outer periphery of the liner 40 and which is more apparent at the cartridges 96 and 98 of FIGS. 3 and 4. Liquid flow is contained between the channel 37 and the bore 49 and contaminants are restrained to the cartridge 10. With attention to FIG. 3 and mounted within the core of the liner 40 are a *number of seriatim stages of filtration and purification media which are arranged to provide the most advantageous dwell time and exposure of the water to the treatment media*. With the entry of the water to the liner core at the apertures 46, the water is initially exposed to a pair of circular discs of filter media 98 and 102, which are mounted to contain a *bed of granular activated carbon (GAC)* 100. The filter media 98, 100 and 102 filter large particulates and organisms from the water. Positioned between the disc filter 102 and another disc filter 104 is a *bed of granular bactericide* 105 such as a multi-valent iodine resin 106 that can be present in a concentration in the range of 40 to 400 cubic centimeters. Presently, a bed of 80 cc’s of a PENTAPURE material is used at the bactericide 105.

Supported above the disc filter 104 are a pair of porous plastic spacers 106 and 108 and which capture a cast cylindrical carbon filter 110 to the liner 40. The filter 110 is constructed of a cast GAC material and exhibits a nominal porosity in the range of 0.5 to 20 microns. Depending upon the application, a pleated cylinder paper filter media might be substituted at the filter 110. O'ring seals 112 at the spacer 108 contain and direct water flow from a channel space 114 at the outer periphery of the filter 110 inward to a bore 116. The water flows from the bore 116, through the spacer 108 into a ***second bed of purification media 118 containing a mixture of halogen bactericides, GAC and/or halogen scavenger media***. From the media 118, the water passes through a further disc filter 120 to the cartridge outlet bore 49 and the outlet port 48 of the manifold 4. ***Depending upon the application and the particular contaminants found in the available water supply, the arrangement of the treatment media and the types of media can be varied to provide either filtration or purification or both.*** FIG. 4 discloses an alternative treatment cartridge 98 that is intended to principally serve as a filter. The cartridge 98 contains a bed of GAC media 122 between a pair of porous disc filters 124 and 126. The space containing the media 122 might also be subdivided to contain another filter media, such as a paper filter or the like. Mounted above the media 122 is a solid cylindrical block of GAC media 128 which is supported to a porous plastic retainer 130. The filter 128 is constructed of a cast GAC media and exhibits a nominal porosity in the range of 0.5 to 20 microns. Liquid flow is directed from a channel space 132 between the liner 40 and filter 128 inwardly to a bore 134. Supported within the bore 134 between the manifold 4 and the outlet bore 49 is a porous conical nozzle 136 which directs flow to the outlet bore 49 and seals to the fitting 6.” ('644 patent specification at col. 5, lines 8-64; '884 patent specification at col. 5, lines 11-67 (emphasis added).)

- “The arrangement of the cartridges 96, 162 are such that the cartridge 162 principally filters the water and the cartridge 96 purifies the water. The assemblies of the cartridges 162 and 96 are essentially the same as earlier described. The principal difference is that the liner of the cartridge 162 is fitted with a disc filter 170, a bed of GAC pre-filter media 172, and a cast cylindrical GAC filter 174. The filter 174 is fitted between a disc end cap 176 and the conical nozzle seal 136. ***Depending again upon the application, the filter treatments can be varied, such as by including paper filter media and/or varying the volume and porosity of the filtration medias.*** While the invention has been described with respect to a presently preferred construction of the manifold and alternative cartridge constructions, still other constructions may be suggested to those skilled in the art. The following appended claims accordingly should be interpreted to include all those equivalent embodiments within the spirit and scope thereof.” ('644 patent

	<p>specification at col. 6, lines 25-43; '884 patent specification at col. 6, lines 29-47 (emphasis added).)</p> <p>Dictionary Definitions:</p> <p>“inlet” <i>See</i> the definitions for “inlet” above in connection with the term “coupler inlet annular recess”</p> <p>“channel” (a) “a usu. tubular enclosed passage,” <i>see</i> Merriam Webster’s Collegiate Dictionary 191 (10th ed. 1996) (b) “a tubelike passage for liquids,” “any means of passage,” “a course through which something moves or is transmitted, conveyed, expressed, etc.,” <i>see</i> Webster’s New World College Dictionary 234 (3d ed. 1996) (c) “a route through which anything passes or progresses” or “a tubular passage for liquids for fluids,” <i>see</i> Random House Compact Unabridged Dictionary 345 (Special 2d ed. 1996)</p> <p>Extrinsic Evidence</p> <ul style="list-style-type: none"> • Plaintiffs intend to offer the declaration of William Contaxis III, a CUNO employee with a Bachelors of Science degree in mechanical engineering and experience with filter engineering since July 1995. Mr. Contaxis will declare that he understands (and understood at the time the patents were filed) the terms “inlet flow channel” and “flow channel” to have meanings consistent with Plaintiffs’ proposed construction and that the claims do not require a liner. He will also explain the use of the liner with the filter or treatment medium or media (e.g., granular medium or media or one or more stages of medium or media oriented to receive flow in an axial direction) used in the particular embodiments shown in the figures and that a liner may be unnecessary or undesirable in alternate embodiments using different treatment medium or media such as carbon block that is subject to radial fluid flow. Mr. Contaxis will also state that U.S. Patent No. 4,877,521 shows an example of a porous, rigid cylindrical sediment filter element 156 used inside a filter housing without a liner. <i>See</i> U.S. Patent No. 4,877,521 at Fig. 9 and col. 10, lines 4-38. Mr. Contaxis will further explain that, in this patent, clearance 168 is formed directly between the filter housing 54 and the filter element 156, and it performs the same function as the “inlet flow channel” and “flow channel” in the '644 and '884 patents. • <i>See also</i> U.S. Patent No. 4,877,521 (referring to a “clearance 168” directly between the filter housing 54 and filter element 156, wherein the filter element is a porous, rigid cylindrical-like structure of cellulose fibers used without a liner)
Term ('884 patent): a coupler being couplable to	<p>Intrinsic Evidence</p> <p>Plain meaning of claim language, surrounding claim language, and other language used in other claims:</p>

<p>the manifold and being operably couplable to the treatment cartridge</p> <p>Plaintiffs’ Proposed Construction: a structure that is capable of being joined together with both a manifold and a treatment cartridge so that the treatment cartridge can operate to treat fluid</p>	<ul style="list-style-type: none"> • Claim 10 of ’884 patent: “A coupling system for coupling a treatment cartridge to a manifold, the coupling system comprising: <i>a coupler being couplable to the manifold and being operably couplable to the treatment cartridge</i> and having; a coupler inlet annular recess defined about a coupler longitudinal axis, the coupler inlet annular recess presenting an annular outer wall and having a circular bottom margin, at least one inlet port being defined in the circular bottom margin displaced from the coupler longitudinal axis, a coupler outlet annular recess defined about the coupler longitudinal axis, the coupler outlet annular recess depending from the coupler inlet annular recess circular bottom margin and presenting a coupler annular outer wall and having a circular bottom margin, at least one outlet port being defined in the circular bottom margin coincident with the coupler longitudinal axis; at least one annular coupler interlocking member being disposed radially outward of the coupler inlet annular recess; and the coupler presenting a plurality of mating surfaces for sealingly mating to the manifold, the plurality of mating surfaces being substantially continuous and free of sealing means.” (emphasis added) • Claim 11 of the ’884 patent: “The coupling system of claim 10 whereby insertion of a manifold inlet boss and a manifold outlet projection into the coupler inlet annular recess and the coupler outlet annular recess, respectively, acting to define a fluid seal between a boss sealing means and the coupler inlet annular recess outer wall and acting to define a fluid seal between an at least one outlet sealing means and the coupler outlet annular recess outer wall, rotation of the coupler with respect to the manifold acting to cooperatively engage the at least one annular manifold interlocking member with the annular coupler interlocking member defining a flow path between the manifold discharge opening and the coupler inlet port and fluidly coupling the coupler outlet port and the manifold outlet opening.” • Claim 12 of the ’884 patent: “The coupling system of claim 10 where the coupler is fixedly coupled to the treatment cartridge, <i>forming a unitary structural cartridge component therewith.</i>” (emphasis added) • Claim 13 of the ’884 patent: “The coupling system of claim 10, the coupler being a flow interface for selective coupling of a treatment cartridge open ended cartridge housing to the manifold, the cartridge housing having treatment media disposed therein.” • Claim 14 of the ’884 patent: “A coupling system for coupling a treatment cartridge to a filter apparatus manifold, the manifold having a flow inlet and a flow outlet, the filter apparatus manifold and the treatment cartridge comprising a filter apparatus when the treatment
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	<p>cartridge is brought into operable engagement with the filter apparatus manifold, comprising: inlet/outlet means being a two stage recess, the recess having a first cylindrical stage having a first stage diameter and having a first end and an opposed second end, an opening being defined at a first end thereof, the recess further having a second substantially cylindrical stage being concentric with the first cylindrical stage and having a second stage diameter and having a first end and an opposed second end, the second stage diameter being less than the first stage diameter and <i>having a first end operably coupled to the second end of the first cylindrical stage by a connecting wall</i> and having an opening being defined at the second end thereof, the first cylindrical stage being in flow communication with the flow channel by at least one inlet port being defined between said first cylindrical stage and said flow channel and the second cylindrical stage being fluidly communicable with the treatment cartridge, at least two shoulder flanges being radially disposed with respect to the inlet/outlet means, the shoulder flanges having a tapered leading edge, the first cylindrical stage presenting a first mating surface for mating with the filter apparatus manifold and the second substantially cylindrical stage presenting a second mating surface for mating with the filter apparatus manifold, the first and second mating surfaces being substantially continuous and free of interruption by fluid seals.” (emphasis added)</p> <ul style="list-style-type: none"> • Claim 15 of the '884 patent: “The coupling system of claim 14 wherein the inlet/outlet means includes a flow inlet and a flow outlet, the flow inlet being at least one bore intersecting the recess first cylindrical stage and depending therefrom to define a depending flow passageway, the flow outlet being defined by the recess second cylindrical stage, the recess second cylindrical stage forming a flow passageway fluidly communicable with the treatment cartridge.” • Claim 16 of the '884 patent: “The coupling system of claim 14, the coupling system being fixedly coupled to the treatment cartridge, <i>forming a unitary structural cartridge component</i> therewith.” (emphasis added) <p>Specification and prosecution history are consistent with the plain meaning and do not attempt to define the term otherwise:</p> <ul style="list-style-type: none"> • Figs. 1-4 and 7 of the '884 patent • During prosecution of the '884 patent, the examiner objected to the drawings “because they fail to show the coupler of instant claim.” (See Prosecution History of '884 Patent, Paper No. 7, Office Action dated Nov. 3, 1999, at p. 3.) The examiner also made the following objection under 35 U.S.C. 112, ¶ 1: “The specification does not support the
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teaching of a ‘coupler being couplable to the manifold and being operably couplable to the treatment cartridge’ as recited in instant claim 36. Instead, the specification supports the teaching of a filter cartridge comprising a two-stage recess which functions as a means for coupling the cartridge to the manifold. Since the two-stage recess is always integral with the cartridge, there is no support for the two-stage recess being operably couplable to the cartridge . . . as recited in the aforementioned claim.” (*See id.* at p. 4.) The examiner, however, withdrew these objections after the applicant replied as follows: “The drawings were objected to as not depicting the coupler of claim 36. The applicant respectfully traverses this objection. ***Figure 7 depicts the coupler interposed between the manifold and the cartridge. The section lines clearly depict the coupler as being a separate component from either the manifold or the cartridge.*** . . . Claims 36-39 were rejected as containing subject matter which was not described in the specification. Further, the specification was indicated to not support the teaching of a ‘coupler being couplable to the manifold and being couplable to the treatment cartridge. The applicant respectfully traverses this rejection. As indicated above, the claimed coupler is clearly depicted in Figure 7. The mating features of the coupler that are claimed in claims 36-39 are clearly the same as those amply described in the specification in reference to Figures 1 and 2. This is necessarily the case since the manifold of Figures 1 and 2 is identical to the manifold of Figure 7.” (*See id.* at Paper No. 8, Office Action Response dated Jan. 5, 2000 at p. 4.) (emphasis added)

Dictionary Definitions:

“coupler”

- (a) “one that couples,” *see* Merriam Webster’s Collegiate Dictionary 266 (10th ed. 1996)
- (b) “a person or thing that couples,” *see* Webster’s New World College Dictionary 318 (3d ed. 1996)
- (c) “a person or thing that couples or links together,” *see* Random House Compact Unabridged Dictionary 464 (Special 2d ed. 1996)

“couple”

- (a) “something that joins or links two things together,” or “to join for combined effect,” *see* Merriam Webster’s Collegiate Dictionary 266 (10th ed. 1996)
- (b) “anything joining two things together” or “to join together by fastening or by association; link; connect,” *see* Webster’s New World College Dictionary 318 (3d ed. 1996)
- (c) “to fasten, link, or associate together in a pair or pairs,” “to join; connect,” or “to join or associated by means of a coupler,” *see* Random House Compact Unabridged Dictionary 463 (Special 2d ed. 1996)

	<p>Extrinsic Evidence</p> <ul style="list-style-type: none"> Plaintiffs intend to offer the declaration of William Contaxis III, a CUNO employee with a Bachelors of Science degree in mechanical engineering and experience with filter engineering since July 1995. Mr. Contaxis will declare that he understands (and understood at the time the patents were filed) the term “coupler” in claims 10-13 to have a meaning consistent with Plaintiffs’ proposed construction and how that term relates to embodiments disclosed in the specification (e.g., as in Fig. 7) and the manner in which treatment cartridges may be constructed. Mr. Contaxis will explain that a coupler is typically fabricated as a separate component from the treatment housing (e.g., as an end cap) and can be securely attached (e.g., by welding) to the treatment housing to form a unitary structure.
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IV. Defendants’ Evidence in Support of Their Construction

Claim Term and Proposed Construction	Evidentiary Support
<p>Boss sealing means</p> <p><u>Proposed construction:</u></p> <p>A seal, such as an o-ring, located on a projecting object or surface</p>	<p>U.S. Patent No. 6,193,884 at Figs. 1 & 2; 3:22-30 (“The system 2 includes a supply manifold 4 having a sealed bayonet fitting 6 which mounts to a two stage recess 8 at a treatment cartridge 10. ... With the mounting of the bayonet 6 into the recess B and the sealing of a number of O’rings 22, 24, and 26 mounted along the fitting 6 within the stages of the recess 8 ...”); 4:11-19 (“The supporting of the bayonet fitting 6 and the appurtenant O’rings 22, 24, and 26 to the two stage recess 8 simplifies the construction of the cartridge 10 versus the conventional cartridges mentioned above. The latter cartridges provide a sealed bayonet fitting at each cartridge which mate to a recess at the manifold. A large number of relatively costly O’ring seals are thus required to accommodate the disposable cartridges. The system 2 avoids the cost by mounting the seals to the manifold 4.”)</p>
<p>Sealingly mating</p> <p><u>Proposed construction:</u></p> <p>Fitting together in a manner capable of forming a seal</p>	<p>U.S. Patent No. 6,193,884 at Figs. 1 & 2; 3:22-30 (“The system 2 includes a supply manifold 4 having a sealed bayonet fitting 6 which mounts to a two stage recess 8 at a treatment cartridge 10. Radially displaced from the recess 8 are a pair of shoulder flanges 12, 14, which have tapered leading edges 16, that mate with a pair of interlocking flanges 18 and 20 at</p>

	<p>the manifold 4. With the mounting of the bayonet 6 into the recess B and the sealing of a number of O’rings 22, 24, and 26 mounted along the fitting 6 within the stages of the recess 8 ...”)</p> <p>U.S. Patent No. 5,548,893 at Fig. 2; 3:40-55 (“Canister 60 forms the outer enclosure of oil filter kit 10, and includes peripheral wall 2 and end wall 64. Canister 60 releasably attaches to adapter 20 at canister connection flange 30. While canister 60 can be formed in any shape desired, the preferred shape for canister 60 is cylindrical. The preferred method of releasable connection is through mating of exterior threads 31 on canister connection flange 30 with interior threads 66 on peripheral wall 62. Canister 60 can seal against adapter 20 in any way known in the art, however, it is preferred to retain O-ring 68 in recess 70 to assure sealing between peripheral wall 62 and adapter 20 when canister 60 is fully seated (screwed) onto adapter 20, as shown in FIG. 2.”)</p> <p>U.S. Patent No. 5,486,288 at Figs. 1-4, 8; 3:54-64 (“In order to seal the filter cartridge 11 to the mounting head 12 so as to prevent fluid leakage, the annular collar 29 on the filter cartridge end cap 23 and the coaxial stem 30 of the filter element 25 are preferably fitted with seal elements, such as O-rings 37 and 38, respectively. As shown in FIGS. 8a-c, the O-ring seal 37 on the collar 29 is dimensioned for fluid-tight sealing engagement with the annular wall which defines the intermediate recess 33 of the mounting head 12. Similarly, the O-ring seal 38 on the filter element stem 30 is dimensioned for fluid-tight sealing engagement with the central bore 35 of the coaxial sleeve 34 of the mounting head 12.”)</p>
<p>Free of</p> <p><u>Proposed construction:</u></p> <p>Complete absence of</p>	<p>U.S. Patent No. 6,027,644 at Figs. 1-4; 4:7-15 (“The supporting of the bayonet fitting 6 and the appurtenant O’rings 22, 24, and 26 to the two stage recess 8 simplifies the construction of the cartridge 10 versus the conventional cartridges mentioned above. The latter cartridges provide a sealed bayonet fitting at</p>

	<p>each cartridge which mate to a recess at the manifold. A large number of relatively costly O'ring seals are thus required to accommodate the disposable cartridges. The system 2 avoids the cost by mounting the seals to the manifold 4.”)</p> <p><i>Biovail Labs. Int’l SRL v. Impax Labs., Inc.</i>, 433 F. Supp. 2d 501 (E.D. Pa. 2006)</p> <p><i>Biovail Labs., Inc. v. Anchen Pharms., Inc.</i>, No. 04-1468-JVS(RCx), 2006 U.S. Dist. LEXIS 37996 (C.D. Cal. Feb. 8, 2006)</p> <p><i>Am. Heritage Dictionary</i> 723 (3d 1992) (“9. Unobstructed; clear.”)</p> <p><i>Webster’s Ninth New Collegiate Dictionary</i> 490 (1990) (“7.a. (1) not obstructed or impeded (2) not being used or occupied.”)</p>
<p>Inlet flow channel</p> <p><u>Proposed construction:</u></p> <p>A passage for directing fluids defined by an external housing and an internal liner whereby flow is directed to the bottom of the cartridge</p>	<p>U.S. Patent No. 6,027,644 at Figs. 3 & 4; 2:13-18 (“It is a further object of the invention to provide a cartridge container having an infeed flow cavity defined between a sealed external housing and internal liner whereby flow is directed to the bottom of the cartridge and thence through filtration and purification treatment media supported in the liner ...”); 2:40-43 (“Radial flanges at the liner displace the liner from the housing and form an infeed channel. Flow is redirected form a cartridge end cap.”); 3:39-49 (“Liquid flow is directed from the ports 35 through a cavity 37 formed between a cartridge housing 38 and an internal liner 40. The flow cavity 37 is particularly formed upon seating a number of radial spacers 42 at the liner 40 to the inner walls of the cartridge housing 38, reference FIG. 2. Flow is interrupted and re-directed at the base of the cartridge 10 by an end cap 44 that is spun welded to the housing 38. The flow is directed to the core of the liner 40 through a number of ports 46 arrayed about the lower periphery of the liner 40.”); 5:8-13 (“With the fitting of the liner 40 to the housing 38, the flow channel 37 is created at the outer periphery of the liner 40</p>

	and which is more apparent at the cartridges 96 and 98 of FIGS. 3 and 4. Liquid flow is contained between the channel 37 and bore 49 and contaminants are restrained to the cartridge 10.”)
<p>flow channel</p> <p><u>Proposed construction:</u></p> <p>A passage for directing fluids defined by an external housing and an internal liner whereby flow is directed to the bottom of the cartridge</p>	<p>U.S. Patent No. 6,027,644 at Figs. 3 & 4; 2:13-18 (“It is a further object of the invention to provide a cartridge container having an infeed flow cavity defined between a sealed external housing and internal liner whereby flow is directed to the bottom of the cartridge and thence through filtration and purification treatment media supported in the liner ...”); 2:40-43 (“Radial flanges at the liner displace the liner from the housing and form an infeed channel. Flow is redirected from a cartridge end cap.”); 3:39-49 (“Liquid flow is directed from the ports 35 through a cavity 37 formed between a cartridge housing 38 and an internal liner 40. The flow cavity 37 is particularly formed upon seating a number of radial spacers 42 at the liner 40 to the inner walls of the cartridge housing 38, reference FIG. 2. Flow is interrupted and re-directed at the base of the cartridge 10 by an end cap 44 that is spun welded to the housing 38. The flow is directed to the core of the liner 40 through a number of ports 46 arrayed about the lower periphery of the liner 40.”); 5:8-13 (“With the fitting of the liner 40 to the housing 38, the flow channel 37 is created at the outer periphery of the liner 40 and which is more apparent at the cartridges 96 and 98 of FIGS. 3 and 4. Liquid flow is contained between the channel 37 and bore 49 and contaminants are restrained to the cartridge 10.”)</p>
<p>A coupler being couplable to the manifold and being operably couplable to the treatment cartridge</p> <p><u>Proposed Construction:</u></p> <p>Defendants' contend that the referenced claim term is invalid as failing to comply with 35 U.S.C. § 112 ¶¶ 1 & 2 and for failing to be enabled, and is, therefore, incapable of being</p>	<p>Evidence demonstrating the invalidity of this claim term includes, but is not limited to, the following:</p> <p>Deposition of John Thuente (July 17, 2007) at 62-77, Ex. 3, Ex. 8 (Documents Bates 3M0000715-876)</p> <p>U.S. Patent No. 6,193,884 File History (Bates 3M0000715-876)</p>

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Dated: April 4, 2008

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